

Remarks

1. Summary of the Office Action

In the final office action mailed May 15, 2008, the Examiner rejected claim 1 under 35 U.S.C. § 103(a) as being allegedly obvious over U.S. Patent No. 5,335,265 (Cooper) in view of U.S. Patent No. 6,628,934 (Rosenberg), and the Examiner rejected claims 2 and 3 under 35 U.S.C. § 103(a) as being allegedly obvious over Cooper in view of Rosenberg in view of U.S. Patent No. 7,305,354 (Rodriguez). Further, the Examiner rejected claims 4, 6-14, 16, 17, 19, 20, and 24-26 under 35 U.S.C. § 103(a) as being allegedly obvious over U.S. Patent No. 6,915,132 (Chatterjee) in view of Cooper in view of Rosenberg, and the Examiner rejected claims 15 and 20 under 35 U.S.C. § 103(a) as being allegedly obvious over Chatterjee in view of Cooper and Rosenberg in view of Rodriguez.

2. Status of the Claims

Applicant has cancelled claims 1-3, 12-17 and 19-26 without prejudice. Applicant has amended claim 4 to include the subject matter of claim 6, and Applicant has cancelled claim 6. Because claim 6 depended from claim 4, claim 4 now recites what claim 6 recited. Applicant has also added new claim 27, depending from claim 4, to add that the first and second wireless devices comprise wirelessly-equipped digital cameras as was recited in other claims and described by way of example throughout the specification as filed.

Now pending are claims 4, 7-11, and 27, of which claim 4 is independent and the remainder are dependent.

By making the claim amendments (particularly cancelling the claims), Applicant does not acquiesce in the rejections of the claims. Rather, Applicant has made the amendments to

expedite allowance and issuance. Applicant specifically reserves the right to pursue the subject matter of the rejected claims in a continuation application.

3. Response to the Rejections

Applicant submits that the Examiner clearly erred in rejecting claim 6 as being allegedly obvious over Chatterjee in view of Cooper in view of Rosenberg, and therefore that claim 4 (having the same scope as claim 6) should now be allowed.

Claim 6 added to claim 4 the limitation of "setting a network authentication entity to allow multiple wireless devices to operate concurrently under the same shared radio access data." As claim 4 already recited that the shared radio access data comprises a shared mobile identification number – electronic serial number (MIN-ESN) pair, the limitation added by claim 6 necessarily meant: setting a network authentication entity to allow multiple wireless devices to operate concurrently under the same shared radio access data comprising a shared MIN-ESN pair.

In rejecting claim 6, the Examiner asserted that "Chatterjee et al. disclose setting a network authentication entity to allow multiple wireless devices to operate concurrently under the same shared radio access data", citing Chatterjee at column 9, lines 5-31. However, a review of Chatterjee (including but not limited to the cited portion) shows that Chatterjee does not teach this, as Chatterjee does not teach setting a network authentication entity to allow multiple wireless devices to operate concurrently under the same shared radio access data comprising a shared MIN-ESN pair. Thus, the Examiner's reliance on Chatterjee was factually flawed. As the Examiner based the obviousness rejection of claim 6 on an assertion that Chatterjee teaches something that Chatterjee does not actually teach, the Examiner did not establish *prima facie*

obviousness under M.P.E.P. § 2142 (requiring the Examiner to clearly articulate reasoning with rational underpinning to support the obviousness conclusion).

Applicant explained the relevant deficiency of Chatterjee in the last response, but Applicant will repeat that discussion here for the Examiner's convenience.

Chatterjee teaches (i) each wireless device having a common OTAF ID and sending that OTAF ID in a registration message to the radio network, (ii) the radio network then sending the OTAF ID in a registration message to a signal transfer point (STP), and (iii) the STP detecting the OTAF ID and responsively routing the registration message to an activation processor instead of to the authentication entity (HLR) that normally receives and handles such registration messages. On the other hand, Chatterjee teaches that when a previously-activated wireless device sends a registration request to the radio network, the device would include its previously assigned MIN and its ESN, and the STP would responsively send the registration message to the HLR as normal.

Chatterjee also teaches that, in alternative embodiment, each wireless device may instead contain a respective dummy MIN. However, Chatterjee specifically teaches without exception that if a dummy MIN is used, it is different per wireless device. Further, Chatterjee teaches that a dummy MIN is used in the same way as Chatterjee's common OTAF ID, namely, to cause the STP to route the registration request to the special activation processor. And again, Chatterjee makes clear that this routing to the OTAF processor is particularly different than the normal way of handling registration requests, in which registration requests are routed to the HLR.

Although Chatterjee suggests using a common OTAF ID in an activation message, Chatterjee specifically teaches away from using a common MIN (and therefore from using a common MIN-ESN pair) for that purpose. Chatterjee teaches, without exception, that if a

dummy MIN is provided in the wireless device's registration request, that dummy MIN will be different in every wireless device. (See, e.g., column 3, lines 18-32.) One of ordinary skill in the art faced with Chatterjee would not logically modify that teaching of Chatterjee, as doing so would seem to change a basic principle of operation of Chatterjee.

In any event, contrary to the Examiner's assertion when rejecting claim 6, Chatterjee does not disclose setting a network authentication entity to allow multiple wireless devices to operate concurrently under the same shared radio access data", because Chatterjee does not teach setting a network authentication entity to allow multiple wireless devices to operate concurrently under the same shared radio access data comprising a shared MIN-ESN pair. Given that the Examiner based the obviousness rejection on the thought that Chatterjee taught that, and given that Chatterjee does not teach that (and indeed teaches away from it), the Examiner did not establish *prima facie* obviousness of claim 6 under M.P.E.P. § 2142.

Although the Examiner relied exclusively on Chatterjee when alleging that the feature added by claim 6 was allegedly disclosed in the cited art, the Examiner further relied on Cooper and Rosenberg in combination with Chatterjee when rejecting the parent claim 4. Yet Cooper and Rosenberg do not overcome the deficiency of Chatterjee.

In rejecting claim 4, the Examiner cited column 8, lines 4-64, of Cooper for a disclosure of multiple wireless devices operating under the same shared radio access data comprising a shared MIN-ESN pair. In particular, the Examiner characterized that portion of Cooper as disclosing "granting the valid subscriber and clone one having the same MIN-ESN pair to access the network and later on detecting the clone device". (See office action, at page 5.) In fact, however, Cooper does not include such disclosure. A full review of Cooper, including the flow chart of Figure 4 to which the cited text refers, it is clear that Cooper teaches a process of detecting that a currently attempted call from a given subscriber is duplicative of an existing call

for the subscriber or is inconsistent based on spatial distance from where a last call by the subscriber occurred, and responsively generating a fraud alarm. Cooper is specifically directed to detecting an attempt to engage in cell phoning, so as to prevent such activity. It would be the antithesis of Cooper's disclosure to suggest that Cooper would lead one to do what Applicant's claim 6 recited, namely *to set an authentication entity to allow multiple wireless devices to operate concurrently under the same shared radio access data*. One faced with Cooper's disclosure would clearly be dissuaded from doing so.

Given the way the Examiner characterized Cooper's disclosure, the Examiner seems to have thought that Cooper disclosed allowing multiple devices to operate concurrently under the same MIN-ESN pair and then later detecting that fact. But while Cooper does teach *an attempt* to do so, Cooper does not teach allowing that to happen in practice, as Cooper teaches detecting the attempt in real-time as a fraud, so as to optimally deny service to the bogus caller. Applicant has found no disclosure in Cooper of setting an authentication entity to allow multiple wireless devices to operate concurrently under the same shared radio access data comprising a shared MIN-ESN pair.

Furthermore, Applicant has not found any disclosure in the tertiary Rosenberg reference that would make up for the deficiencies noted above.

In summary, because Chatterjee does not disclose what the Examiner relied on it for disclosing, because Cooper teaches away from allowing multiple wireless devices to concurrently operate under the same MIN-ESN pair, and because Rosenberg fails to make up for the deficiencies of Chatterjee and Cooper, the Examiner did not establish *prima facie* obviousness of claim 6. Because claim 4 now recites what claim 6 recited, Applicant submits that claim 4 is therefore allowable. Furthermore, Applicant submits that claims 7-11 and 27 are allowable as well for at least the reason that they depend from allowable claim 4.

Applicant does not acquiesce in any assertion by the Examiner that is not expressly addressed in these remarks.

For the foregoing reasons, Applicant respectfully requests favorable reconsideration and allowance of the claims.

Should the Examiner wish to discuss this case with the undersigned, the Examiner is invited to call the undersigned at (312) 913-2141.

Respectfully submitted,

**MCDONNELL BOEHNEN
HULBERT & BERGHOFF LLP**

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By: /Lawrence H. Aaronson/
Lawrence H. Aaronson
Reg. No. 35,818